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Docket No. MAI-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Doug Mains

Serial No.: 09/873,104

Examiner:

RECEIVED

OCT 31 2001

Filed: June 1, 2001

Art Unit:

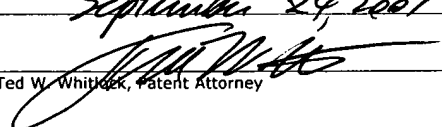
OFFICE OF PETITIONS
DEPUTY A/C PATENTS

For: TRAVERSING CIRCULAR SAW

CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Asst. Commissioner for Patents, Washington, D.C. 20231, on

September 24, 2001


Ted W. Whitlock, Patent Attorney

Reg. No. 36,965

PETITIONAsst. Commissioner for Patents
Washington, D.C. 20231

Sir:

A Petition Fee of \$130.00 under 37 CFR 1.17(h) is submitted herewith.

This Petition is in response to the assertion set forth in the Notice to File Missing Parts in the above-identified application that Figures 3 and 4 were omitted from the filing submission. Applicant believes that the subject application filed June 1, 2001 contained all the Figures referred to in the specification, including Figures 3 and 4, which are alleged to have been omitted.

As evidence of the submission of all the Figures, including Figures 3 and 4, applicant submits herewith a copy of the post card receipt for the submission of the subject application. As shown on the face of the post card receipt (bearing the official US Patent Office decal) application Ser. No. 09/873,104 is awarded June 1, 2001 as its filing date. Moreover, this post card acknowledges that 4 sheets of drawings were included with the application. A copy of these 4 sheets of drawings (Figures 1, 2, 3, and 4, respectively) is attached hereto.

Applicant respectfully requests reconsideration and reversal of the assertion that Figures 3 and 4 were omitted from the subject application as filed, and that a determination be made that the items allegedly omitted were received by the US Patent and Trademark Office. Applicant further requests that the application proceed to examination. Finally, applicant requests that the Petition fee be refunded, as indicated in the Notice to File Missing Parts

10/01/2001 MBERHE 00000002 09873104
01 FC:122 130.00 OP

Adjustment date: 11/26/2001
10/01/2001 MBERHE 00000002 09873104
01 FC:122 -130.00 OP

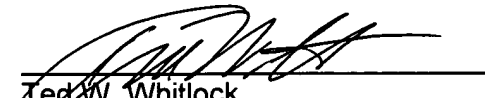
Refund Ref:
11/26/2001 0030006457

0030006457 0030.00

Applicant invites the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: September 24, 2001



Ted W. Whitlock
Registration No. 36,965
5323 SW 38th Avenue
Ft. Lauderdale, Florida 33312
Tel.: 954-986-2119

Serial No. _____ Docket No. MAT-3

Applicant/Inventor: Beuc. MAINS

Asst. Commissioner **11000 U.S. PTO**
for Patents **09/873104**

Sir:



06/01/01

Please acknowledge receipt of the paper(s) noted hereon by stamping the date received and returning this card to the addressee on the reverse side.

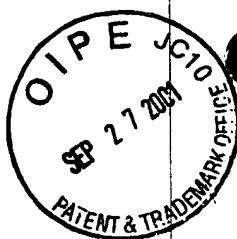
Respectfully,

Ted W. Whitlock
5323 SW 38th Avenue
Fl. Lauderdale, FL 33312

EXPRESS MAIL # ET 174 71987445

- ☒ Application
- ☐ Submission of Formal Drawings
- ☒ 4 Sheets of Drawing
- ☐ Declaration/POA

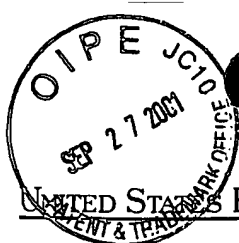
- ☐ Fee (\$ _____)
- ☐ Amendment/Response
- ☐ Request for Extension
- ☐ Assignment/Recordation Cover
- ☐ Verified Statement/Sm Entity Status
- ☒ Transmittal Letter
- ☐ PTOL-85B/Issue Fee Transmittal
- ☐ IDS, PTO-1449, Refs.



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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/873,104	06/01/2001	Doug Mains	MAI-3

CONFIRMATION NO. 1651

FORMALITIES LETTER



OC00000006382495

TED WHITLOCH
REGISTERED PATENT ATTORNEY, P.
5323 SW 38TH AVE.
FT. LAUDERDALE, FL 33312

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OCT 31 2001

OFFICE OF PETITIONS
DEPUTY A/C PATENTS

Date Mailed: 08/03/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 420.**

The following item(s) appear to have been **omitted** from the application: 09/20/2001 ~~BERKE~~ 00000002 09073104

- Figure(s) **Fig 3 and Fig 4** described in the specification.

01 FC:201
02 FC:205

355.00 02
65.00 02

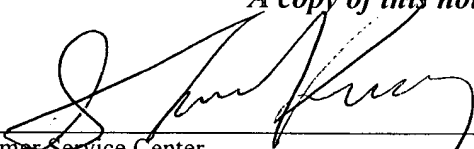
I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

A copy of this notice MUST be returned with the reply.



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE